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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Sunil Kumar Sinha, J.

Writ Petition (S) No. 6687 of 2007

Petitioners

1. Durga Prasad Sahu S/o Shri Bansidhar Sahu, age about 45 years, Asstt. Teacher, Govt. Primary School, Chimarkel, Block- Basana, Distt. - Mahasamund (C.G.)

2. Hanif Mohammad S/o Shri Mazid Mohammad, age about 44 years, Asstt. Teacher, Govt. Primary School Chhirrachunva, Block- Basana, Distt. - Mahasamund (C.G.)

3. Bihari Lal Jagat S/o Shri Duryodhan Jagat, age about 43 years, Asstt. Teacher, Govt. Primary School, Kurmadhih, Block- Basana, Distt. - Mahasamund (C.G.)

4. Priit Lal Patel S/o Shri Banmali Patel, age about 43 years, Asstt. Teacher, Govt. Primary School, Bansula, Block- Basana, Distt. - Mahasamund (C.G.)

5. Ku. Shyama Choudhary D/o Shri Ratiram Chudhary, age about 44 years, Asstt. Teacher, Govt. Middle School, Bhanvarpur, Block- Basana, Distt. - Mahasamund (C.G.)

6. Tilak Ram Chandrakar S/o Shri Ramlal Chandrakar, age about 45 years, Asstt. Teacher, Govt. High School, Bemcha, Block- Mahasamund, Distt. - Mahasamund (C.G.)

7. Ku. Lekha Baghel D/o Shri Tirath Ram Baghel, age about 44 years, Asstt. Teacher, Govt. Primary School, Ravanbhata, Block-Mahasamund, Distt. - Mahasamund (C.G.)

8. Dharam Singh Mahanand S/o Shri Ramlal Mahanand, age about 45 years, U.D.T., Govt. Middle School, Pacheda, Block-Bagbahara, Distt. - Mahasamund (C.G.)

Versus

Respondents

1. State Govt. of Chhattisgarh Through : Secretary, Education & Tribal Department D.KS. Bhawan, Raipur (C.G.)

2. District Education Officer Distt. Mahasamund (C.G.)

Writ Petition under Article 226 of the Constitution of India

Present : Shri Somkant Verma, counsel for the petitioners.
Ms Sunita Jain, Panel lawyer for the State.

ORAL ORDER
(Passed on 05th November, 2007)

Heard on admission.

Learned counsel for the petitioners submits that petitioners No.1 to 4 & 6 to 8 have acquired BTI certificate whereas, petitioner No.5 has passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24-12-1998 and 01-03-1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation,*

Durg and another {2006 (II) MPJR-CG 96}. He submits that their case is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, the writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to the verification of the facts as to whether the petitioners had acquired BTI & B.Ed Examination Certificate on their own expenses as per circulars dated 24-12-1998 and 01-03-1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

padma